



Judgment

wp750.25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION Nos. 750 & 819 OF 2025.

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CRIMINAL WRIT PETITION NO.750/2025.

1. Altab @ Saddam Mohd. Bashir
Qureshi, Aged about 35 years, Occupation
Labour, resident of Aanji Mothi, Wardha.

2. Yakub Mohd. Bashir Qureshi,
Aged about 37 years, Occupation -
Labour, resident of Aanji Mothi, Wardha. ... PETITIONERS.

VERSUS

1. State of Maharashtra,
through Superintendent of Police,
Wardha.

2. PSO, PS Seloo,
Wardha.

3. Divisional Commissioner,
Nagpur Division, Nagpur. ... RESPONDENTS.

Mr. M.N. Ali, Advocate for the Petitioners.
Mr. A.M. Joshi, A.P.P. for Respondents.

Rgd.

CRIMINAL WRIT PETITION NO.819/2025.

Sheikh Firoz Harun Qureshi,
Aged 45 years, Occupation
Labour, resident of Walmik Ward,
Arvi, Taluq Arvi, District Wardha. ... **PETITIONER.**

VERSUS

1.Divisional Commissioner,(Revenue)
Nagpur Division, Nagpur.

2.Superintendent of Police,
Wardha, District Wardha.

3.Sub Divisional Police Officer,
Pulgaon, District Wardha.

4.State of Maharashtra,
through P.S.O., PS Kharangna,
District Wardha. ... **RESPONDENTS.**

Mr. M.V. Rai, Advocate for the Petitioner.
Mr. A.M. Joshi, A.P.P. for Respondents.

CORAM : M.M. NERLIKAR, J.

DATE : NOVEMBER 03, 2025.

Rgd.

ORAL JUDGMENT :

Heard. Rule. Rule is made returnable forthwith and by consent of learned Counsel appearing for the parties, Writ Petitions are taken up for final disposal.

2. These petitions are filed under Article 226 of the Constitution of India challenging the order dated 29.04.2025 passed by the Superintendent of Police, Wardha externing the petitioners under Section 55 of the Maharashtra Police Act, 1951. Against the same, appeals were preferred under Section 60 of the said Act by petitioners, however, the same were dismissed by order dated 04.09.2025 by the Divisional Commissioner, Nagpur. Both these orders are under challenge in these petitions.

3. I have heard the learned respective Counsel for the parties. The learned Counsel for petitioners submit that offence committed under the Prevention of Cruelty to Animals Act or Maharashtra Animal Preservation Act cannot form the basis to extern

Rgd.

the petitioner. So as to substantiate the same, he has relied on the on judgments delivered by the Division Bench this Court in case of **Shoeb @ Shobi Noor Qureshi and another .vrs. State of Maharashtra and another (Criminal Writ Petition No.507/2024 – decided on 01.08.2024)** and **Nazim Ahmed Nisar Ahmed Qureshi .vrs. State of Maharashtra and another (Criminal Writ Petition No.474/2024 – decided on 05.07.2024)** wherein while considering the scope of Section 55 of the Maharashtra Police Act, has taken a view that in case of offence under the Prevention of Cruelty to Animals Act are not covered under Section 55 of the Maharashtra Police Act.

4. On the other hand, the learned A.P.P. submits that petitioners are acting in an organized manner and therefore, they form a gang, both the authorities have rightly passed the orders externing petitioner. He further submits that petitioners have committed serious crimes by giving inhumane treatment to animals, and as many as 6 crimes have been committed by this gang. He further submits that after considering the entire track record of petitioners, the Superintendent of Police has passed a reasoned order which is further Rgd.

endorsed by the Divisional Commissioner, Nagpur. Ultimately he supports the orders impugned and prays for dismissal of the petition.

5. Division Bench of this Court in case of Nazim Ahmed Nisar Ahmed Qureshi (supra), has observed in the following manner :

“.....It is then stated that the petitioner is the member of a gang, who are indulging in this kind of activities. We are unable to consider that such activities are covered under section 55 of the Maharashtra Police Act. What section 55 of the Maharashtra Police Act contemplate is “..... is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof.....”

Similar view is also taken by the Division Bench of this Court in case of Shoeb @Shobi Noor Qureshi (supra).

6. Considering the above observations of the Division Bench of this Court, it is crystal clear that the activities of petitioners does not fall under Section 55 of the Maharashtra Police Act. In view of these facts and circumstances, the impugned orders cannot be

sustained in law, and hence, the following order.

ORDER.

1. Criminal Writ Petitions are allowed and disposed of.
2. The order dated 29.04.2025 passed by the Superintendent of Police, Wardha and the order dated 04.09.2025 by the Divisional Commissioner, Nagpur, extenuating the petitioners are hereby quashed and set aside.
3. Rule is made absolute in aforesaid terms.

JUDGE